

Right-of-Way

The existing road runs out of the ROW. The proposed alignment follows the existing road. The road was not designed to be relocated within the existing ROW because of conflicts with overhead and underground utilities.

Acquisitions:

ROW easements were obtained by the Togiak in 1999, prior to construction. WHPacific survey and ROW personnel have reviewed the recorded documents. The documents included a reversion clause as shown below. That clause clouds the status of the acquisitions, because although the project was funded, the road construction was not performed on the 2000-2001 construction seasons. It is our opinion that the ROW easements should be re-acquired to clear up the reversion clause.

This conveyance is subject to the following condition subsequent: The roadway improvements, scheduled to be built on the property shall be funded and the project completed within three years of the execution of this right-of-way dedication. In the event that this condition is not met, Grantee agrees to relinquish the easement and right-of-way granted by this instrument.

The following parcels were acquired in 1999:

Parcel No.	Description
1	A portion of Tract E-2, Airport Subdivision Phase II
2	Tract I, Togiak Airport Property Plan, dated December 1, 1980
3	Tract B, Airport Subdivision, Togiak Alaska
4*	Tract A, Airport Subdivision, Togiak Alaska
5	U.S.S. No. 2051, Alaska, Togiak School Reserve, Togiak Alaska
7	Lot 8, Block 8, U.S. Survey No. 4905, Alaska, Togiak Townsite
TCP 1	Tract I, Togiak Airport Property Plan, dated December 1, 1980
TCP 2	Tract A, Airport Subdivision, Togiak Alaska

* Tract A (Parcel 4) was subdivided by Plat 98-3. The acquisition is described as a portion of Tract A, however at the time of the easement filing, the Tract A had been subdivided and the acquisition area falls on three lots of that plat.

A Record of Survey (R.O.S.) was filed by Eric Fuglestad, L.S. in 2001. According to the general notes for the R.O.S.:

- This survey does not constitute a subdivision as defined by AS 40.15.190(2).
- This document is a record of the monumentation found and set for "Togiak Road Improvements" at the locations shown in the project construction plan set.

Encroachments

There are several ROW encroachments, including portions of residences, public buildings and sheds. A detailed listing is attached to this report.

It is a policy of ADOT&PF that these encroachments should be removed from the right-of-way or permitted by the owning agency, in conjunction with the project, either before or during construction.

There are also a variety of public utilities in the ROW.

Necessary Right of Way Mapping or Title work needed for Certification

We recommend re-acquiring Parcels 1 thru 5, with new documents converted to the new project units, stationing, etc., that correlate with the revised plan set. A right-of-way acquisition plat should be completed that reflects all of the easements and interests acquired and filed in the public records.

Parcel 7 is a restricted Alaska Native townsite lot in restricted status, according to the Alaska Bureau of Indian Lands Surveyor, Michael Schoder, PLS. One of the original owners is deceased intestate (without a will), and therefore the lot is fractionated to at least twelve heirs. Mr. Schoder said it generally takes a minimum of one to two years to work through the process of delineating the heirs and re-acquiring the rights, if you are successful at all. Current Federal standards would have to be followed as well, which include ESA's, Archaeological Surveys, Appraisals, and Section 106 Historic Buildings. All of the current CFR requirements would have to be met before approval of the transaction. We recommend avoiding the re-acquisition of this parcel due to these constraints.